

*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 3

#### INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

##### PART 1

##### MEMBERS OF THE IPSA

###### *Membership*

- 1 (1) The IPSA is to consist of the following members—
- (a) one member who is to chair it (“the chair”) appointed in accordance with paragraph 2, and
  - (b) four other members (referred to in this Schedule as “ordinary members”) appointed in accordance with that paragraph.
- (2) At least one of the members of the IPSA must be a person who has held (but no longer holds) high judicial office (within the meaning of Part 3 of the Constitutional Reform Act 2005 (c. 4)).
- [<sup>F1</sup>(3) At least one of the members of the IPSA must be a person who is eligible for appointment as a statutory auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006.]
- (4) One of the members of the IPSA (“the Parliamentary member”) must be a person who has been (but is no longer) a member of the House of Commons.
- (5) Apart from the Parliamentary member, a person who has been a member of the House of Commons at any time within the last five years may not be a member of the IPSA.

###### **Textual Amendments**

- F1** Sch. 1 para. 1(3) substituted (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\)](#), s. 29, [Sch. 5 para. 33](#); [S.I. 2011/2576](#), art. 5

###### *Appointment of chair and ordinary members*

- 2 (1) The chair of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (2) An ordinary member of the IPSA is to be appointed by Her Majesty on an address of the House of Commons.
- (3) A motion for an address under sub-paragraph (1) or (2) may be made only with the agreement of the Speaker.

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- (4) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.
- (5) The Speaker must not select a candidate without the agreement of the Speaker's Committee for the Independent Parliamentary Standards Authority.

*Terms and conditions: general*

- 3 (1) Subject to the provisions of this Schedule, the chair of the IPSA and the ordinary members of the IPSA hold office in accordance with the terms and conditions of their appointment.
- (2) Those terms and conditions are to be determined by the Speaker.

*Term of office*

- 4 (1) The chair of the IPSA is to be appointed for a fixed term not exceeding five years.
- (2) The ordinary members of the IPSA are to be appointed for a fixed term not exceeding five years.
- (3) A person who has held office as a member of the IPSA (whether as the chair or an ordinary member) may be re-appointed as a member once only, for a further period (whether consecutive or not) not exceeding three years.

*Resignation and removal from office*

- 5 (1) The chair of the IPSA may resign from office by giving written notice to the Speaker.
- (2) An ordinary member of the IPSA may resign from office by giving written notice to the Speaker.
- (3) Her Majesty may remove the chair of the IPSA from office on an address of both Houses of Parliament.
- (4) Her Majesty may remove an ordinary member of the IPSA from office on an address of both Houses of Parliament.
- (5) A person who ceases to hold office as the chair of the IPSA also ceases to be a member of the IPSA.

*Remuneration*

- 6 (1) The terms and conditions on which a person is appointed as the chair of the IPSA or as an ordinary member of the IPSA may provide for the IPSA—
  - (a) to pay remuneration and allowances to the person;
  - (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

*Code of conduct*

- 7 (1) The IPSA must issue, and may from time to time revise, a code of conduct for its members.

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- (2) The code must in particular—
- (a) incorporate the Nolan principles or such other similar principles as may be adopted by the IPSA from time to time, and
  - (b) include provision about the disclosure of interests by the members of the IPSA.
- (3) “The Nolan principles” means the seven general principles of public life set out in the First Report of the Committee on Standards in Public Life (Cm 2850).

#### *Disqualification*

- 8 (1) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), at the appropriate place insert— “The Independent Parliamentary Standards Authority.”
- (2) In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), at the appropriate place insert— “The Independent Parliamentary Standards Authority.”

### **PART 2**

#### **THE IPSA**

#### *Status*

- 9 (1) The IPSA, its members and its staff are not to be regarded—
- (a) as the servants or agents of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The IPSA's property is not to be regarded as property of, or property held on behalf of, the Crown.

*F2*  
...

#### **Textual Amendments**

**F2** Sch. 1 para. 10 and heading omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010](#) (c. 25), s. 52, [Sch. 5 para. 7\(2\)](#); S.I. 2010/1277, art. 3(i)(vi)

**F2**10 .....

#### *Powers*

- 11 The IPSA may do anything (except borrow money) which is calculated to facilitate the carrying out of its functions or is incidental or conducive to the carrying out of those functions.

#### *Committees*

- 12 (1) The IPSA may establish any committees which it considers appropriate.

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- (2) Any committee of the IPSA established under sub-paragraph (1) may establish one or more sub-committees.
- (3) All members of a committee or sub-committee must be members of the IPSA.

*Procedure and proceedings*

- 13 (1) The IPSA is to regulate its own procedure, and the procedure of its committees and sub-committees (including quorums).
- (2) The validity of the proceedings of the IPSA, or of any of its committees or sub-committees, is not affected by—
  - (a) a vacancy among the members, or
  - (b) a defect in the appointment of a member.

*Staff*

- 14 (1) The IPSA must appoint a chief executive (see paragraph 17).
- (2) The IPSA may appoint other staff.
- (3) The chief executive and other staff are to be appointed on terms and conditions determined by the IPSA, having regard to the desirability of keeping them broadly in line with those applying to persons employed in the civil service of the State.
- 15 (1) The Speaker may appoint a person (“the interim chief executive”) to be the IPSA's chief executive until a chief executive is appointed by the IPSA.
- (2) The interim chief executive may incur expenditure and do other things in the name of and on behalf of the IPSA.
- (3) The interim chief executive must act in accordance with any directions given by the Speaker or, when the IPSA has been constituted, by the IPSA.
- (4) The powers given by sub-paragraph (2)—
  - (a) may be used before and after the IPSA has been constituted, but
  - (b) come to an end at a time determined by the IPSA.

*Staff pensions*

- 16 (1) Employment by the IPSA is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) may apply.
- (2) The IPSA must pay to the Minister for the Civil Service the sums determined by the Minister in relation to any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.
- (3) In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of the Act may apply), in the list of “Other bodies” insert at the appropriate place— “ Independent Parliamentary Standards Authority. ”

*Separation of administration functions and regulation functions*

- 17 (1) The IPSA's administration functions are to be carried out by the chief executive on behalf of the IPSA and in accordance with its general directions.

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- (2) So far as possible the IPSA's administration functions and its regulation functions must be carried out separately, so that one set of functions does not adversely affect the carrying out of the other.
- (3) The IPSA must make such arrangements as it considers necessary to comply with sub-paragraph (2).

#### Commencement Information

- II** Sch. 1 para. 17 in force at 7.5.2010 by [S.I. 2010/1033](#), [art. 3\(c\)\(i\)](#)

#### *Meaning of “administration functions” and “regulation functions”*

- 18 (1) The IPSA's administration functions are its functions under—
- <sup>F3</sup>(a) section 4 (MPs' salaries), so far as relating to the payment (but not the determination) of salaries,]
  - (b) section 5(1) (payment of MPs' allowances),
  - (c) section 6 (dealing with allowances claims) [<sup>F4</sup>(except as mentioned in sub-paragraph (2) below)] ,
- <sup>F5</sup> ...
- (2) The IPSA's regulation functions are its functions under—
- <sup>F6</sup>(za) sections 4 and 4A (MPs' salaries) (except as mentioned in sub-paragraph (1) above),]
  - (a) section 5(3) and (4) (preparing and revising MPs' allowances scheme),
  - <sup>F7</sup>(aa) section 6(10) (determining procedures for publication of allowances claims),]
  - <sup>F8</sup>(b) .....
  - <sup>F9</sup>(c) section 9(8)(b) and (9) (determining conditions),
  - (d) section 9A (determining procedures for investigations etc),
  - (e) paragraphs 1, 2(2), 4(2) and 9(2) of Schedule 2 (appointment and removal of Compliance Officer etc), and
  - (f) paragraphs 2, 8 and 9 of Schedule 4 (scheme, guidance etc for Compliance Officer).]
- <sup>F10</sup>(3) The IPSA's functions under the following provisions are also regulation functions—
- (a) sections 3, 4 and 6 of the European Parliament (Pay and Pensions) Act 1979 (but not any function relating to the administration of a scheme under section 3 or 4);
  - (b) paragraphs 2 to 5, 8, 9, 11, 12 and 15 of Schedule 6 to the Constitutional Reform and Governance Act 2010 (but not any function relating to the administration of a scheme under paragraph 8 or 12).]

#### Textual Amendments

- F3** Sch. 1 para. 18(1)(a) substituted (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(3\)\(a\)](#); [S.I. 2011/1274](#), art. 2(b)
- F4** Words in Sch. 1 para. 18(1)(c) inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(3\)\(b\)](#); [S.I. 2010/1931](#), art. 3(h)(ii)

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- F5** Words in Sch. 1 para. 18(1) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 7\(3\)\(c\)](#); S.I. 2010/1277, art. 3(i)(vi)
- F6** Sch. 1 para. 18(2)(za) inserted (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 7\(4\)\(a\)](#); S.I. 2011/1274, art. 2(b)
- F7** Sch. 1 para. 18(2)(aa) inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 7\(4\)\(b\)](#); S.I. 2010/1931, art. 3(h)(ii)
- F8** Sch. 1 para. 18(2)(b) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 7\(4\)\(c\)](#); S.I. 2010/1277, art. 3(i)(vi)
- F9** Sch. 1 para. 18(2)(c)-(f) substituted for Sch. 1 para. 18(2)(c) (19.4.2010 for specified purposes, 27.7.2010 in so far as not already in force) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 5 para. 7\(4\)\(d\)](#); S.I. 2010/1277, art. 2(d)(v); S.I. 2010/1931, art. 3(h)(ii)
- F10** Sch. 1 para. 18(3) inserted (24.10.2011 for specified purposes, 1.11.2013 in so far as not already in force) by [Constitutional Reform and Governance Act 2010 \(c. 25\), s. 52, Sch. 6 para. 47\(2\)](#); S.I. 2011/2485, art. 2(1)(2)(c)(iv); S.I. 2013/2826, art. 2(b)(iii) (with art. 3)

#### Commencement Information

- I2** Sch. 1 para. 18(1) in force at 7.5.2010 for specified purposes by [S.I. 2010/1033, art. 3\(c\)\(ii\)](#)
- I3** Sch. 1 para. 18(2)(a) in force at 7.5.2010 by [S.I. 2010/1033, art. 3\(c\)\(iii\)](#)

#### Delegation

- 19 (1) The IPSA may delegate functions to—
- (a) any of its members,
  - (b) any committee established by it, and
  - (c) any of its staff.
- (2) But the IPSA may not delegate—
- (a) its regulation functions, and
  - (b) its function under paragraph 14(1) (appointment of chief executive).
- (3) A committee may delegate functions (including functions delegated to it) to—
- (a) a sub-committee, or
  - (b) any of the IPSA's staff.
- (4) The chief executive of the IPSA may delegate to any of the IPSA's staff—
- (a) functions exercisable by the chief executive under paragraph 17, and
  - (b) functions delegated to the chief executive under this paragraph.

#### Contracting-out of payment functions

- 20 (1) The IPSA's payment functions may be carried out by—
- (a) any person authorised by the chief executive, or
  - (b) an employee of a person so authorised.
- (2) The chief executive may authorise a person to carry out payment functions—
- (a) to their full extent or to a specified extent;
  - (b) in all cases or in specified cases;
  - (c) unconditionally or subject to specified conditions.
- (3) An authorisation under sub-paragraph (1) may be revoked at any time by the IPSA or the chief executive.

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- (4) The IPSA's payment functions are the functions of—
- (a) paying salaries under section 4, and
  - (b) paying allowances in accordance with the MPs' allowances scheme,
- (but not the function of determining claims for allowances or of agreeing repayments).

*Delegation and contracting out of pension functions*

- 21 (1) Section 1(2) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the IPSA's chief executive.
- (2) Any pension function conferred on the chief executive under section 1(2) of the Superannuation Act 1972 (in accordance with sub-paragraph (1)) may be carried out by—
- (a) any person authorised by the chief executive, or
  - (b) an employee of a person so authorised.
- (3) “Pension function” means a function of administering schemes made under section 1 of that Act, and from time to time in force.
- (4) Under sub-paragraph (2), the chief executive may authorise a person to exercise pension functions—
- (a) to their full extent or to a specified extent;
  - (b) in all cases or in specified cases;
  - (c) unconditionally or subject to specified conditions.
- (5) An authorisation under sub-paragraph (2)—
- (a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (c. 40) (contracting out of functions of Ministers and office-holders), and
  - (b) may be revoked at any time by the IPSA or the chief executive.

*Funding*

- 22 (1) The IPSA's expenditure is to be paid out of money provided by Parliament.
- (2) For each financial year (other than its first financial year) the IPSA must prepare an estimate of the IPSA's use of resources and submit it to the Speaker's Committee for the Independent Parliamentary Standards Authority (“the Committee”).
- (3) The Committee must review the estimate and decide whether it is satisfied that the estimate is consistent with the efficient and cost-effective discharge by the IPSA of its functions.
- (4) If it is not satisfied, the Committee must make such modifications as it considers necessary to achieve the consistency specified under sub-paragraph (3).
- (5) Before deciding whether it is satisfied or making modifications, the Committee must consult the Treasury and have regard to any advice given.

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- (6) After the Committee has reviewed the estimate and made any modifications, the Speaker must lay the estimate before the House of Commons.
- (7) If the Committee does not follow any advice given by the Treasury, or makes any modifications to the estimate, it must prepare a statement of its reasons and the Speaker must lay the statement before the House of Commons.
- (8) [<sup>F11</sup>Any payments received by the IPSA as a result of a repayment direction under Schedule 4, and any repayments otherwise] received by the IPSA may be retained by the IPSA and applied by it for the purposes of its functions.

#### **Textual Amendments**

- F11** Words in Sch. 1 para. 22(8) substituted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 5 para. 7\(5\)](#); S.I. 2010/1931, art. 3(h)(ii)

#### *Accounts*

- 23
- (1) The IPSA must keep proper accounting records.
  - (2) The IPSA must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
  - (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
    - (a) the information to be contained in the accounts and the manner in which it is to be presented,
    - (b) the methods and principles in accordance with which the accounts are to be prepared, and
    - (c) the additional information (if any) that is to accompany the accounts.
  - (4) The chief executive of the IPSA is to be its accounting officer.

#### *Audit*

- 24
- (1) The IPSA must, as soon as practicable after the end of any financial year, submit the accounts prepared by it for that year to the Comptroller and Auditor General.
  - (2) The Comptroller and Auditor General must—
    - (a) examine and certify any accounts submitted under sub-paragraph (1), and
    - (b) lay before each House of Parliament a copy of the certified accounts.

#### *Annual report*

- 25
- (1) As soon as practicable after the end of each financial year, the IPSA must prepare and the Speaker must lay before each House of Parliament a report about the performance of the IPSA's functions during that financial year.
  - (2) When the Speaker lays such a report, the IPSA must publish it in such manner as it considers appropriate.



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#### *Documentary evidence*

- 26 (1) The application of the seal of the IPSA is to be authenticated by the signature of any member of the IPSA, or of its staff, who has been authorised (whether generally or specifically) by the IPSA for the purpose.
- (2) A document purporting to be duly executed under the seal of the IPSA or signed on its behalf—
- (a) is to be received in evidence, and
  - (b) is to be taken to be executed or signed in that way, unless the contrary is proved.
- (3) This paragraph does not extend to Scotland.

#### *Freedom of information*

- 27 (1) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— “The Independent Parliamentary Standards Authority.”
- (2) In adopting or reviewing a publication scheme under section 19 of that Act, the IPSA must consult—
- (a) the Leader of the House of Commons,
  - (b) the Speaker, and
  - (c) the House of Commons Committee on Standards and Privileges.

#### *Public records*

- 28 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “The Independent Parliamentary Standards Authority.”

#### *Interpretation*

- 29 (1) In this Schedule “financial year” means—
- (a) the period beginning with the day on which the IPSA is established and ending with the next following 31 March, and
  - (b) each successive period of 12 months.
- (2) In this Schedule—
- “administration functions” has the meaning given by paragraph 18(1),
  - “regulation functions” has the meaning given by paragraph 18(2) [<sup>F12</sup>and (3)], and
  - “the Speaker” means the Speaker of the House of Commons.

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#### **Textual Amendments**

**F12** Words in [Sch. 1 para. 29\(2\)](#) inserted (24.10.2011) by [Constitutional Reform and Governance Act 2010](#) (c. 25), s. 52, [Sch. 6 para. 47\(3\)](#); S.I. 2011/2485, art. 2(1)(2)(c)(v)

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PROSPECTIVE

[<sup>F13</sup>SCHEDULE 2

Section 3

## COMPLIANCE OFFICER

**Textual Amendments**

**F13** Sch. 2 substituted (19.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), s. 52, [Sch. 3](#); [S.I. 2010/1277](#), art. 2(a)(c)

**Modifications etc. (not altering text)**

**C1** For expiry of Sch. 2 see s. 15

*Appointment of Compliance Officer*

- 1 (1) The Compliance Officer is to be appointed by the IPSA.
- (2) The person to be appointed must be selected by the IPSA on merit on the basis of fair and open competition.

*Terms and conditions: general*

- 2 (1) Subject to the provisions of this Schedule, the Compliance Officer holds office in accordance with the terms and conditions of the Compliance Officer's appointment.
- (2) Those terms and conditions are to be determined by the IPSA.

*Term of office*

- 3 (1) The Compliance Officer is to be appointed for a fixed term not exceeding five years.
- (2) A person who has been appointed as the Compliance Officer may not be appointed again.

*Resignation and removal from office*

- 4 (1) A person may resign from the office of Compliance Officer by giving written notice to the IPSA.
- (2) The IPSA may remove a person from the office of Compliance Officer if the person—
- (a) is convicted of an offence (see sub-paragraph (3)),
  - (b) becomes bankrupt (see sub-paragraph (4)), or
  - (c) is unfit or unable to carry out the functions of the office.
- (3) For the purposes of determining if the person is convicted of an offence—
- (a) it does not matter where the person is convicted, and
  - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).

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- (4) A person becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
  - (b) in Scotland, the person's estate is sequestrated.

#### *Remuneration*

- 5 (1) The terms and conditions on which a person is appointed as the Compliance Officer may provide for the IPSA—
- (a) to pay remuneration and allowances to the person;
  - (b) to make provision for a pension in relation to that person.
- (2) The IPSA must make the payment or provision accordingly.

#### *Status*

- 6 (1) The Compliance Officer is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Compliance Officer's property is not to be regarded as property of, or property held on behalf of, the Crown.

#### *Funding*

- 7 (1) The IPSA must provide the Compliance Officer with adequate resources for the Compliance Officer's functions.
- (2) In particular, the IPSA is responsible for providing staff to assist in the carrying out of those functions.

#### *Annual report*

- 8 (1) As soon as practicable after the end of each financial year, the Compliance Officer must—
- (a) prepare a report about the performance of the Compliance Officer's functions during that financial year, and
  - (b) send the report to the IPSA.
- (2) The IPSA must send the report to the Speaker of the House of Commons, who must lay it before each House of Parliament.
- (3) When the Speaker lays the report, the Compliance Officer must publish it in such manner as the Compliance Officer considers appropriate.
- (4) “Financial year” means—
- (a) the period beginning with the day on which a Compliance Officer is first appointed and ending with the next following 31 March, and
  - (b) each successive period of 12 months.

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*Vacancy in office of Compliance Officer*

- 9 (1) This paragraph applies if the office of Compliance Officer is vacant.
- (2) The IPSA may authorise a member of the IPSA's staff provided under paragraph 7(2) to carry out the functions of the Compliance Officer during the vacancy.
- (3) In relation to a vacancy of more than six months, the functions of the Compliance Officer may not be carried out by virtue of sub-paragraph (2) after the first six months.

*Disqualification*

- 10 (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”
- (2) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

*Freedom of information*

- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) at the appropriate place insert— “ Compliance Officer for the Independent Parliamentary Standards Authority. ”

*Public records*

- 12 In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert— “ Compliance Officer for the Independent Parliamentary Standards Authority.” ]

SCHEDULE 3

Section 3

SPEAKER'S COMMITTEE FOR THE INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

*Membership*

- 1 The members of the Speaker's Committee for the Independent Parliamentary Standards Authority (“the Committee”) are—
- (a) the Speaker of the House of Commons,
  - (b) the Leader of the House of Commons,
  - (c) the person who chairs the House of Commons Committee on Standards and Privileges, <sup>F14</sup> ...
  - (d) five members of the House of Commons who are not Ministers of the Crown, appointed by the House of Commons<sup>F15</sup>, and
  - (e) three lay persons appointed by resolution of the House of Commons.]

*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

#### Textual Amendments

- F14** Word in Sch. 3 para. 1(c) omitted (7.5.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(2\)\(a\)](#), 52; S.I. 2010/1277, art. 3(a)
- F15** Sch. 3 para. 1(e) and word inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(2\)\(b\)](#), 52; S.I. 2010/1277, art. 3(a)

#### *[<sup>F16</sup>Appointed members]*

#### Textual Amendments

- F16** Sch. 3 para. 2 cross-heading substituted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(3\)](#), 52; S.I. 2010/1277, art. 3(a)

- 2 (1) A person appointed under paragraph 1(d) (“an appointed member”) ceases to be a member of the Committee if—
- (a) another person is appointed in the person's place, or
  - (b) the person ceases to be a member of the House of Commons.
- (2) An appointed member may resign from the Committee by giving notice to the Committee.
- (3) Except as provided by this paragraph, an appointed member is a member of the Committee for the remainder of the Parliament in which the person is appointed.
- (4) An appointed member may be re-appointed (more than once) to membership of the Committee.

#### *[<sup>F17</sup>Lay members]*

#### Textual Amendments

- F17** Sch. 3 para. 2A and cross-heading inserted (7.5.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 27\(4\)](#), 52; S.I. 2010/1277, art. 3(a)

- 2A (1) In paragraph 1(e) “lay person” means a person who is not, and has never been, a member of either House of Parliament.
- (2) A motion for a resolution under paragraph 1(e) may be made only with the agreement of the Speaker of the House of Commons.
- (3) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.
- (4) An appointment under paragraph 1(e) is to be for a fixed term not exceeding five years.
- (5) A person who has been appointed under paragraph 1(e) may not be appointed under paragraph 1(e) again.
- (6) A person appointed under paragraph 1(e) ceases to be a member of the Committee if the person becomes a member of either House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (7) A person appointed under paragraph 1(e) may resign from the Committee by giving notice to the Committee.
- (8) The Speaker of the House of Commons may require the IPSA to pay to members of the Committee appointed under paragraph 1(e) such remuneration and allowances as the Speaker may determine.
- (9) The IPSA must make the payment accordingly.]

*Committee proceedings*

- 3 (1) The Committee may determine its own procedure (including quorum).
- (2) The validity of any proceedings of the Committee is not affected by—
  - (a) a vacancy among the members, or
  - (b) a defect in the appointment of a member.

[<sup>F18</sup>SCHEDULE 4

Section 9B

ENFORCEMENT

**Textual Amendments**

**F18** Sch. 4 inserted (27.7.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 34(2), 52, [Sch. 4](#); [S.I. 2010/1931](#), art. 3(d)(g) (with arts. 4, 5)

**PART 1**

RECOVERY OF OVERPAYMENTS

*Power to give repayment direction*

- 1 (1) This paragraph applies where the Compliance Officer—
  - (a) has conducted an investigation in respect of a member of the House of Commons under section 9, and
  - (b) has made findings under section 9(5) that the member was paid an amount under the MPs' allowances scheme (the “overpayment”) that—
    - (i) should not have been allowed, and
    - (ii) has not been repaid.
- (2) The Compliance Officer—
  - (a) if sub-paragraph (3) applies, may give the member a direction under this paragraph (a “repayment direction”), and
  - (b) otherwise, must give the member a repayment direction.
- (3) This sub-paragraph applies if the Compliance Officer has made findings under section 9(5) that the member's being paid an amount under the MPs' allowances scheme that should not have been allowed was wholly or partly the IPSA's fault.

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (4) A repayment direction must require the member to pay to the IPSA—
  - (a) if sub-paragraph (3) applies, such amount (not exceeding the amount of the overpayment) as the Compliance Officer considers reasonable, and
  - (b) otherwise, the amount of the overpayment.
- (5) The repayment direction must specify the period (the “repayment period”) before the end of which that amount is to be paid.
- (6) A repayment direction may also require the member to do one or both of the following before the end of the repayment period—
  - (a) pay to the IPSA interest on the amount mentioned in sub-paragraph (4), at the rate and in relation to the period specified in the direction;
  - (b) pay to the IPSA an amount reasonably representing the costs incurred by the IPSA in relation to the overpayment, including the costs of the Compliance Officer in conducting the investigation.
- (7) The Compliance Officer must send a copy of the repayment direction to the IPSA.
- (8) References in this Part of this Schedule to a member of the House of Commons include a former member of that House.
- (9) In this Schedule “overpayment”, “repayment direction” and “repayment period” have the meaning given by this paragraph (but in relation to the repayment period, see further paragraph 4(3)).

#### *Guidance etc*

- 2 (1) The IPSA must prepare guidance about the circumstances in which the Compliance Officer should include in a repayment direction a requirement under paragraph 1(6) (a) or (b).
  - (2) The guidance must include guidance about whether the Compliance Officer should include such a requirement if paragraph 1(3) applies.
  - (3) The amount mentioned in paragraph 1(6)(b) is to be calculated by the Compliance Officer in accordance with a scheme prepared by the IPSA for that purpose.
  - (4) Before preparing guidance under sub-paragraph (1) or a scheme under sub-paragraph (3) the IPSA must consult the persons listed in section 9A(6).

#### *Appeal against repayment direction*

- 3 (1) A member who has been given a repayment direction under paragraph 1 may appeal to the First-tier Tribunal against—
  - (a) the Compliance Officer's findings under section 9(5);
  - (b) if paragraph 1(3) applies, the Compliance Officer's decision to give the member a repayment direction;
  - (c) if paragraph 1(3) applies, the amount the member is required to repay because of paragraph 1(4)(a);
  - (d) a requirement contained in the repayment direction because of paragraph 1(6).

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which the repayment direction is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (3) An appeal under this paragraph is by way of a rehearing.
- (4) On an appeal under this paragraph the Tribunal may—
  - (a) allow the appeal in whole or in part, or
  - (b) dismiss the appeal.
- (5) If the Tribunal allows the appeal (in whole or in part) it may—
  - (a) revoke the repayment direction;
  - (b) revoke or vary any requirement contained in the repayment direction;
  - (c) make any other order it thinks fit.
- (6) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (7) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).

*Extension of repayment period*

- 4 (1) The member may at any time before the end of the repayment period make an application to the Compliance Officer for the Compliance Officer to extend (or further extend) the repayment period.
- (2) The Compliance Officer must notify the IPSA of any decision by the Compliance Officer to extend (or further extend) the repayment period.
- (3) If the Compliance Officer extends (or further extends) the repayment period, references in this Schedule to the repayment period are to that period as extended (or further extended) by the Compliance Officer.
- (4) The member may appeal to the First-tier Tribunal against the Compliance Officer's decision on an application under this paragraph.
- (5) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (6) The appeal is by way of a rehearing.
- (7) The Tribunal may—
  - (a) allow the appeal in whole or in part, or
  - (b) dismiss the appeal.
- (8) If the Tribunal allows the appeal (in whole or in part) it may—
  - (a) revoke or vary the Compliance Officer's decision;
  - (b) make any other order it thinks fit.
- (9) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (10) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).



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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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*Enforcement of repayment direction*

- 5 (1) This paragraph applies to any amount which a member is required by a repayment direction to pay to the IPSA, but only when—
- (a) it is no longer possible for there to be a relevant appeal, and
  - (b) all relevant appeals have been withdrawn or determined.
- (2) A relevant appeal is—
- (a) an appeal under paragraph 3 brought before the end of the period mentioned in paragraph 3(2), or
  - (b) a further appeal in relation to the repayment direction which—
    - (i) is brought before the end of the usual period for bringing such an appeal, and
    - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.
- (3) The IPSA may recover the amount by making deductions from—
- (a) any salary payable to the member under section 4;
  - (b) any allowances payable to the member under the MPs' allowances scheme.
- (4) In England and Wales and Northern Ireland the amount is recoverable, if [<sup>F19</sup>the county court in England and Wales or a county court in Northern Ireland] so orders on the application of the Compliance Officer, as if it were payable under an order of that court.
- (5) In Scotland the amount is recoverable as if the repayment direction were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

**Textual Amendments**

**F19** Words in Sch. 4 para. 5(4) substituted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 117](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

**PART 2**

**PENALTIES**

*Power to impose penalties*

- 6 (1) If sub-paragraph (3) or (4) applies to a member of the House of Commons, the Compliance Officer may by notice (a “penalty notice”) impose a penalty on the member.
- (2) A “penalty” means a sum of money payable by the member to the IPSA.
- (3) This sub-paragraph applies if the Compliance Officer has made a finding under section 9(5) that the member has without reasonable excuse failed to comply with a requirement under section 9(3) (provision of information to Compliance Officer).

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (4) This sub-paragraph applies if the Compliance Officer is satisfied that the member has without reasonable excuse failed to comply with any requirement contained in a repayment direction.
- (5) The Compliance Officer must send a copy of the penalty notice to the IPSA.
- (6) References in this Part of this Schedule to a member of the House of Commons include a former member of that House.
- (7) In this Schedule “penalty notice” and “penalty” have the meanings given by this paragraph.

*Amount of penalty*

- 7 (1) The penalty notice must state the amount of the penalty.
- (2) The amount of the penalty must not exceed £1,000.
- (3) The amount in sub-paragraph (2) may be increased (or further increased) by an order made by a Minister of the Crown.
- (4) An order under sub-paragraph (3) is to be made by statutory instrument.
- (5) A statutory instrument containing an order under sub-paragraph (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the House of Commons.

*Information to be contained in notice*

- 8 (1) The penalty notice must (as well as stating the amount of the penalty) include information as to—
  - (a) the reasons for imposing the penalty,
  - (b) the period before the end of which the penalty is to be paid,
  - (c) how the penalty may be paid,
  - (d) the procedure and time limit for appealing,
  - (e) the effect of paragraph 12, and
  - (f) any other matter specified by the IPSA.
- (2) Before specifying a matter the IPSA must consult the persons listed in section 9A(6).

*Guidance etc*

- 9 (1) The IPSA must prepare guidance about—
  - (a) the circumstances in which the Compliance Officer should impose a penalty under paragraph 6, and
  - (b) how the Compliance Officer should determine the amount of the penalty.
- (2) Before preparing the guidance the IPSA must consult the persons listed in section 9A(6).

*Review of penalty*

- 10 (1) The Compliance Officer may at any time review a decision to impose a penalty on a member under paragraph 6.

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (2) Following the review the Compliance Officer may cancel the penalty or reduce the amount of the penalty.
- (3) If the Compliance Office does either of those things, the Compliance Officer must notify the IPSA.
- (4) If the penalty (or part of the penalty) has already been paid the IPSA must repay the member accordingly.

#### *Appeal against penalty*

- 11 (1) A member on whom a penalty has been imposed under paragraph 6 may appeal to the First-tier Tribunal.
- (2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which the penalty notice is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (3) The appeal is by way of a rehearing.
- (4) On an appeal under this paragraph the Tribunal may—
  - (a) allow the appeal and cancel the penalty,
  - (b) allow the appeal and reduce the penalty, or
  - (c) dismiss the appeal.
- (5) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).

#### *Enforcement of penalty*

- 12 (1) This paragraph applies to the amount of a penalty imposed on a member under paragraph 6, but only when—
  - (a) it is no longer possible for there to be a relevant appeal, and
  - (b) all relevant appeals have been withdrawn or determined.
- (2) A relevant appeal is—
  - (a) an appeal under paragraph 11 brought before the end of the period mentioned in paragraph 11(2), or
  - (b) a further appeal in relation to the penalty notice which—
    - (i) is brought before the end of the usual period for bringing such an appeal, and
    - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.
- (3) The IPSA may recover the amount by making deductions from—
  - (a) any salary payable to the member under section 4;
  - (b) any allowances payable to the member under the MPs' allowances scheme.
- (4) In England and Wales and Northern Ireland the amount is recoverable, if [<sup>F20</sup>the county court in England and Wales or a county court in Northern Ireland] so orders on the application of the Compliance Officer, as if it were payable under an order of that court.

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*Changes to legislation: There are currently no known outstanding effects for the Parliamentary Standards Act 2009. (See end of Document for details)*

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- (5) In Scotland the amount is recoverable as if the penalty notice were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

**Textual Amendments**

**F20** Words in [Sch. 4 para. 12\(4\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\)](#), [Sch. 9 para. 117](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))

*Payment of penalty into Consolidated Fund*

- 13 The IPSA must pay into the Consolidated Fund—
- (a) the amount of any penalty paid to the IPSA, and
  - (b) where the IPSA makes a deduction under paragraph 12(3), an amount corresponding to the amount of the deduction.]

**Changes to legislation:**

There are currently no known outstanding effects for the Parliamentary Standards Act 2009.